

REFERENCE TITLE: voting irregularities; report; legislative review

State of Arizona  
Senate  
Fifty-fifth Legislature  
Second Regular Session  
2022

# **SB 1574**

Introduced by  
Senator Townsend

AN ACT

AMENDING SECTION 16-621, ARIZONA REVISED STATUTES; RELATING TO CONDUCT OF ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-621, Arizona Revised Statutes, is amended to  
3 read:

4 16-621. Proceedings at the counting center; violation;  
5 classification

6 A. All proceedings at the counting center shall be under the  
7 direction of the board of supervisors or other officer in charge of  
8 elections and shall be conducted in accordance with the approved  
9 instructions and procedures manual issued pursuant to section 16-452 under  
10 the observation of representatives of each political party and the public.  
11 The proceedings at the counting center may also be observed by up to three  
12 additional people representing a candidate for nonpartisan office, or  
13 representing a political committee in support of or in opposition to a  
14 ballot measure, proposition or question. A draw by lot shall determine  
15 which three groups or candidates shall have representatives participate in  
16 the observation at the counting center. Persons representing a candidate  
17 for nonpartisan office or persons or groups representing a political  
18 committee in support of or in opposition to a ballot measure, proposition  
19 or question, who are interested in participating in the observation, shall  
20 notify the officer in charge of elections of their desire to be included  
21 in the draw not later than seventeen days before the election. After the  
22 deadline to receive submissions from the interested persons or groups, but  
23 prior to fourteen days before the election, the county officer in charge  
24 of elections shall draw by lot, from the list of those that expressed  
25 interest, three persons or groups and those selected shall be notified and  
26 allowed to observe the proceedings at the counting center. If a group is  
27 selected the group may alter who represents that group for different days  
28 of observation but on any given observation day a selected group shall not  
29 send more than one observer. A group may rotate an observer throughout  
30 the day. Only those persons who are authorized for the purpose shall  
31 touch any ballot or ballot card or return. All persons who are engaged in  
32 processing and counting of the ballots shall be qualified electors, shall  
33 be deputized in writing and shall take an oath that they will faithfully  
34 perform their assigned duties. There shall be no preferential counting of  
35 ballots for the purpose of projecting the outcome of the election. If any  
36 ballot, including any ballot received from early voting, is damaged or  
37 defective so that it cannot properly be counted by the automatic  
38 tabulating equipment, a true duplicate copy shall be made of the damaged  
39 or defective ballot in the presence of witnesses and substituted for the  
40 damaged or defective ballot. All duplicate ballots created pursuant to  
41 this subsection shall be clearly labeled "duplicate" and shall bear a  
42 serial number that shall be recorded on the damaged or defective ballot.

43 B. If the counting center automatic tabulating equipment includes  
44 an electronic vote adjudication feature that has been certified for use as  
45 prescribed by section 16-442 and the board of supervisors or officer in

1 charge of elections authorizes the use of this feature at the counting  
2 center, all of the following apply:

3 1. The electronic vote adjudication feature shall be included in  
4 the tabulation system logic and accuracy testing prescribed by section  
5 16-449.

6 2. The board of supervisors or officer in charge of elections shall  
7 appoint an electronic vote adjudication board that consists of two judges  
8 who are overseen by an inspector, with the two judges equally divided  
9 between the two largest political parties as prescribed by section 16-531,  
10 subsection D to adjudicate and submit for tabulation a ballot that is read  
11 by the tabulation machine as blank in order to determine if voter intent  
12 is clear on a portion or all of the ballot, or any portion of any ballot  
13 as prescribed by section 16-610 or 16-611, or to tally write-in choices as  
14 prescribed by section 16-612.

15 3. The electronic vote adjudication process used by the electronic  
16 vote adjudication board shall provide for:

17 (a) A method to track and account for the original ballot and the  
18 digital duplicate of the ballot created by the electronic vote  
19 adjudication feature that includes a serial number on the digital image  
20 that can be used to track electronic vote adjudication board actions.

21 (b) The creation and retention of comprehensive logs of all digital  
22 duplication and adjudication actions performed by an electronic vote  
23 adjudication board.

24 (c) The retention of the original ballot and the digital duplicate  
25 of the ballot.

26 C. If for any reason it becomes impracticable to count all or a  
27 part of the ballots with tabulating equipment, the officer in charge of  
28 elections may direct that they be counted manually, following as far as  
29 practicable the provisions governing the counting of paper ballots.

30 D. For any statewide, county or legislative election, the county  
31 recorder or officer in charge of elections shall provide for a live video  
32 recording of the custody of all ballots while the ballots are present in a  
33 tabulation room in the counting center. The live video recording shall  
34 include date and time indicators and shall be linked to the secretary of  
35 state's website. The secretary of state shall post links to the video  
36 coverage for viewing by the public. The county recorder or officer in  
37 charge of elections shall record the video coverage of the ballots at the  
38 counting center and shall retain those recordings as a public record for  
39 at least as long as the challenge period for the general election. If the  
40 live video feed is disrupted or disabled, the recorder or officer in  
41 charge of elections is not liable for the disruption but shall attempt to  
42 reinstate video coverage as soon as is practicable. Any disruption in  
43 video coverage shall not affect or prevent the continued tabulation of  
44 ballots. This subsection is contingent on legislative appropriation.

1           E. The county recorder or other officer in charge of elections  
2 shall:  
3           1. Maintain records that record the chain of custody for all  
4 election equipment and ballots during early voting through the completion  
5 of provisional voting tabulation. THESE RECORDS ARE PUBLIC RECORDS AND  
6 ARE SUBJECT TO LEGISLATE SUBPOENA. A PERSON WHO VIOLATES THIS PARAGRAPH  
7 IS GUILTY OF A CLASS 2 MISDEMEANOR.  
8           2. MAINTAIN A RECORD OF ALL VOTING IRREGULARITIES THAT OCCUR DURING  
9 EARLY VOTING, EMERGENCY VOTING AND ELECTION DAY VOTING. THE RECORD SHALL  
10 DESCRIBE THE IRREGULARITY, THE LOCATION WHERE IT OCCURRED, THE LOCATION  
11 WHERE IT WAS DISCOVERED, THE PERSONS WHO WERE PRESENT WHEN THE  
12 IRREGULARITY OCCURRED AND WHEN IT WAS DISCOVERED AND ANY RESPONSE TO THE  
13 IRREGULARITY FROM ELECTION OFFICIALS. WITHIN THIRTY DAYS AFTER ELECTION  
14 DAY, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL  
15 PROVIDE THAT RECORD TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE  
16 HOUSE OF REPRESENTATIVES AND SHALL PROVIDE A COPY OF THE RECORD TO THE  
17 SECRETARY OF STATE. A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A  
18 CLASS 2 MISDEMEANOR.